

**Notice of Allowability****Application No.**

10/530,013

**Applicant(s)**

MULLER ET AL.

**Examiner**

Darren W. Ark

**Art Unit**

3643

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 09/11/2008.
2. ☒ The allowed claim(s) is/are 1,2,5-17,20,23-43 and 57-66.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Renumbered claims Rule 1.126.

/Darren W. Ark/  
Primary Examiner, Art Unit 3643

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John A. Castellano and David Cho on Friday, December 19, 2008.

The application has been amended as follows:

Claim 1. An electrically powered animal trap, comprising:

- a set of electrodes for electrocution of an animal, and
- a device for communicating a surveillance signal between the trap and an external surveillance unit,

wherein the trap defines a chamber between an entrance and an end section thereof, the end section supports arrangement of a bait in the form of a scent source, the set of electrodes including a number of electrodes being at least three and the electrodes being arranged sequentially in the chamber, a first electrode of the at least three electrodes being connected to a second electrode of the at least three electrodes while a third electrode of the at least three electrodes being electrically isolated from the first and second electrodes, the electrocution occurs when electrocuting being obtained

~~by generating~~ a high-voltage potential difference between the first and third electrodes is generated, and a surface of the electrodes being rough.

Claim 2. The trap according to claim 1, further comprising:

- a bottom with an upwardly extending sidewall, ~~[[and]]~~
- a top section, and
- an exit.

Claim 8. The trap according to claim 7, wherein an ~~[[the]]~~ adjustment of the length of ~~the at least one leg~~ is actuated by pressurized gas.

Claim 9. The trap according to claim 6, wherein the at least one leg comprises ~~legs are~~ telescopic legs.

Claim 11. The trap according to claim 10, wherein the receptacle and the trap are ~~[[is]]~~ sealed.

Claim 12. The trap according to claim 1, further comprising the ~~[[an]]~~ electronic circuit including at least one micro processor, wherein the electronic circuit is adapted to generate the high-voltage potential difference from a low voltage power source upon detection of an animal.

Claim 15. The trap according to claim 13, wherein the electronic detector is adapted to detect a weight of an animal.

Claim 16. The trap according to claim 12, wherein the high-voltage potential difference is generated in pulses.

Claim 17. The trap according to claim 16, wherein the pulses are in the form of a sinusoidal wave, a step pulse, or a series of pulses.

Claim 20. The trap according to claim 1, wherein a ~~[[the]]~~ roughness of the surface is provided by adhering metal shavings to a metal plate.

Claim 23. The trap according to claim 12, wherein the power source for generating the high-voltage potential difference is a low voltage, high capacity DC-battery.

Claim 24. The trap according to claim 1, wherein the high-voltage potential difference is generated upon detection of a leak current through the animal between the first and second electrodes.

Claim 25. The trap according to claim 1, further comprising a lever arm for detecting a ~~[[the]]~~ presence of the ~~[[an]]~~ animal.

Claim 26. The trap according to claim 25, wherein the high-voltage potential difference is generated when an animal moves the lever arm.

Claim 28. The trap according to claim 27, wherein the ramp is made from a material selected from the group consisting of: wood, plastic, stainless steel ~~steel~~ and nickel.

Claim 30. The trap according to claim 29, wherein the mount ~~section~~ comprises an entrance tube.

Claim 31. The trap according to claim 30, wherein the tube has at least one bend ~~bent~~.

Claim 36. The trap according to claim 2 ~~[[1]]~~, wherein the exit end-section is operated automatically upon electrocution of the ~~[[an]]~~ animal.

Claim 37. The trap according to claim 36, wherein the exit end-section is actuated either electrically, hydraulically, pneumatically, mechanically or by any combination of these.

Claim 38. The trap according to claim 2 ~~[[1]]~~, wherein the exit end-section is a trapdoor.

Claim 39. The trap according to claim 1, wherein the set of electrodes are shielded from water flooding from above.

Claim 40. The trap according to claim 12, wherein the electronic circuit is embedded in a waterproof housing.

Claim 41. The trap according to claim 12, further comprising a water-level detector adapted to ~~send~~ ~~sent~~ out an electronic signal ~~[[,]]~~ when water is detected in a level above a predetermined level, and wherein the electronic circuit is adapted to react in response to an electronic signal from the water level detector by disabling the generation of the high-voltage potential difference.

Claim 43. The trap according to claim 1, wherein the device for communicating a surveillance signal comprises a device for transmitting a wireless signal to ~~the~~ ~~[[an]]~~ external surveillance unit provided with a receiver for receiving ~~the~~ ~~such~~ a surveillance signal.

Claim 63. The trap according to claim 1, wherein the surveillance signal contains information about at least one of the following particulars:

- a number of captured animals,
- a condition of a ~~[[the]]~~ battery,
- a remains of the bait, a ~~[[the]]~~ position of the trap, and/or
- an identification code for the trap.

Claim 65. The trap according to claim 64, wherein the size of the entrance is adjustable via the device for communicating a surveillance signal ~~communication means~~.

Claim 66. A trap system, comprising:

- at least one trap according to claim 1, and
- at least one external unit including:
  - a communication device for receiving a surveillance signal from the trap

and optionally, for transmitting a command signal to the trap, and

- a computer processing device adapted to respond ~~response~~ to commands provided by ~~from a~~ computer software to read a ~~[[the]]~~ status of either a single trap or an ensemble of traps.

Cancelled claims 67 and 68.

2. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose an electrically powered animal trap comprising wherein the trap defines a chamber between an entrance and an end section thereof, the end section supports arrangement of a bait in the form of a scent source, the set of electrodes including a number of electrodes being at least three and the electrodes being arranged sequentially in the chamber, a first electrode of the at least three electrodes being connected to a second electrode of the at least three electrodes while a third electrode of the at least three electrodes being electrically isolated from the first and second electrodes, the electrocution occurs when a high-voltage potential difference between the first and third electrodes is generated, and a surface of the electrodes being rough.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-F, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darren W. Ark/  
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